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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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AP

In re application of:

GLOTZER *et al.*

Appl. No. 09/881,736

Filed: June 18, 2001

For: **Cyk-4 Polypeptides, DNA
Molecules Encoding Them and
Their Use in Screening Methods**

Confirmation No. 8755

Art Unit: 1642

Examiner: Caputa, A. C.

Atty. Docket: 0652.2260001/EKS/AES

Reply To Restriction RequirementCommissioner for Patents
Washington, D.C. 20231

Sir:

In reply to the Office Action dated September 30, 2002, requesting an election of one invention to prosecute in the above-referenced patent application, Applicants hereby provisionally elect to prosecute the invention of Group VII, represented by claims 7-11, drawn to methods of identifying a compound capable of modulating cytokinesis. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

This election is made **with** traverse. Applicants submit that the claims of restriction Groups I-VIII (and in particular Groups I, II, and VII) can be examined without serious burden on the part of the Examiner.

MPEP 803 (August 2001), at page 800-4, left-hand column, states that "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Thus, the Patent Office encourages examination of the entire

application where such search and examination can be made without serious burden, even though separate, non-overlapping searches may be required.

In the present case, Applicants respectfully assert that the search of all of these restriction groups does not impose a serious burden upon the Examiner, as a search concerning the patentability of one group is likely to uncover art of interest to the other groups.

Reconsideration and withdrawal of the Restriction Requirement, and consideration and allowance of all pending claims, are respectfully requested.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date: December 2, 2002

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